



OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Attorneys at Law

10 Madison Avenue, Suite 400
Morristown, NJ 07960
Telephone: 973.656.1600
Facsimile: 973.656.1611
www.ogletreedeakins.com

Jocelyn A. Merced
jocelyn.merced@ogletreedeakins.com

January 29, 2013

VIA ECF

Hon. Steven C. Mannion, U.S.M.J.
United States District Court
District of New Jersey
M.L. King, Jr. Federal Bldg.
50 Walnut Street
Newark, New Jersey 07102

RE: Montvale Surgical Center, LLC v. Horizon BCBS of NJ, Inc., et al.
Case No. 12-CV-4166

Dear Judge Mannion:

This firm represents Defendant Novartis Pharmaceuticals Corporation (“NPC”) in the above-referenced matter. We write in accordance with Local Civil Rule 37.1, requesting Your Honor’s assistance in resolving the discovery dispute explained in detail below or, in the alternative, requesting permission to file a motion to compel discovery from Plaintiff. The deadline for fact discovery was January 18, 2013.

On October 15, 2012, NPC served its First Request for Production of Documents on Plaintiff. By letters dated January 3, 2013 and January 11, 2013, NPC attempted to resolve this discovery dispute in accordance with Local Rules 1.6(g)(1) and 37(b)(1). To date, Plaintiff has not provided any responses or objections to these document requests, nor a reason for the extraordinary delay in responding to same.

On January 28, 2013, NPC timely responded to Plaintiff’s First Request for Production of Documents and has at all times complied with its discovery obligations in this matter. NPC respectfully requests an Order compelling Plaintiff to respond to NPC’s document requests by a date certain, or permission to file a motion seeking such an Order.

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Thank you for Your Honor's assistance in this regard.

Respectfully Submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

s/ Jocelyn A. Merced

Jocelyn A. Merced

JAM/pmu

cc: Edward Cerasia II, Esq.
Andrew R. Brosnick, Esq. (via electronic filing)
Matthew A. Baker, Esq. (via electronic filing)

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